

ENTERED

November 26, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PRISCILLA GONZALEZ, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 2:22-CV-00282
§
GREGORY HAMPTON HERRMAN, *et al.*, §
§
Defendants. §

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Mitchel Neurock's Memorandum and Recommendation ("M&R"). (D.E. 83). The M&R recommends that the Court deny Plaintiff's application to proceed *in forma pauperis* on appeal, (D.E. 74), and certify that Plaintiff's appeal is not taken in good faith.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 83). Accordingly, the Court **DENIES** Plaintiff's motion to proceed *in forma pauperis* and **CERTIFIES** that Plaintiff's appeal

is not taken in good faith because it presents no non-frivolous issue. (D.E. 74). In so holding, the Court incorporates by reference its order granting summary judgment. (D.E. 40); *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
November 26, 2024